The Coal Authority

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG
T: 01623 637 119 (Planning Enquiries)
E: planningconsultation@coal.gov.uk
W: www.gov.uk/coalauthority

For the attention of: Alfia Cox – Case Officer
Amber Valley Borough Council

[By email: development@ambervalley.gov.uk]

11 November 2026

Dear Alfia

Re: Application AVA/2026/0553

Reserved Matters application (appearance, landscaping, layout and scale) pursuant to Outline Planning Permission ref. AVA/2023/0764, granted on appeal (ref. APP/M1005/W/24/3343782) at Land west of Chesterfield Road, Chesterfield Road, Alfreton, Derbyshire

Thank you for your notification of 27 October 2026 seeking the views of the Coal Authority (trading as the Mining Remediation Authority) on the above application.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority response: SUBSTANTIVE CONCERN

The application site falls within the defined Development High Risk Area. Our information indicates that the site lies in an area where historic unrecorded coal mining activity is likely to have taken at shallow depth. Voids and broken ground associated with such workings can pose a risk to ground instability and public safety.

Our records also indicate that the site lies within the boundaries of a wider site from which coal has been extracted by surface (opencast) mining methods. Where such mining has

taken place general settlement of backfill and differential settlement over / in the vicinity of buried opencast highwalls can occur, which in turn can result in damage to buildings and structures. We consider that development should avoid buried highwalls wherever possible.

As you will be aware, the Coal Authority's Planning & Development Team raised no objection to outline planning application AVA/2023/0764, to which this reserved matters application relates, subject to the imposition on any planning permission granted of conditions to secure the investigation of coal mining legacy affecting the site, the definition of no-build zones over any buried opencast highwalls present and the implementation of any necessary remedial and / mitigation measures to ensure the safety and stability of the development.

We understand that the outline planning application was refused by the LPA, with permission subsequently granted on appeal by the Planning Inspectorate. We note that coal mining legacy matters are addressed in Condition 6-9 of the issued consent. These state:

6) *Prior to the submission of any reserved matters application seeking approval of layout, a scheme of intrusive investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity, including that posed by past opencast extraction and shallow mining. These works shall be carried out in accordance with authoritative UK guidance.*

7) *Any reserved matters application seeking approval of layout, shall be accompanied by: the findings of the intrusive site investigations (required by condition 6 above), and a proposed layout plan which identifies the alignment of any buried highwalls present within the site and defines appropriate 'no build' zones over these features.*

8) *Prior to commencement of development, any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented in full in order to ensure that the site is made safe and stable for the proposed development. These works shall be carried out in accordance with authoritative UK guidance.*

9) *Prior to the first occupation of the development, a verification report for the approved development carried out by a suitably qualified independent engineer shall be submitted to the local planning authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.*

We note that the applicant has now applied for approval of reserved matters details relating to the appearance, landscaping, layout and scale of the development. They have also sought to address the requirements of several conditions attached to the outline consent. We understand that a Phase II Site Appraisal (ref. GRM/P10861/PIISAR.1 Rev A,

dated June 2025, prepared by GRM) has been submitted in connection with coal mining legacy related Conditions 6 and 7.

The report indicates that investigations carried out at the site in May and June 2025 included the drilling of boreholes and the excavation of trial trenches to characterise the former opencast pit and its associated buried highwall and to further assess the risk posed by unrecorded underground coal workings. These works were carried out under Mining Remediation Authority Permits 29806 and 29997.

Based on the results of the borehole investigation and in consideration of mine abandonment plans showing the seams removed by opencast methods, the report author appears to be satisfied that unrecorded mine workings do not pose a stability risk to the development and confirms that a drilling and grouting programme is not required in this regard.

The report provides the approximate location of the buried opencast highwall on the High Wall Plan included in Appendix K. We are disappointed to note that a 'no build' zone over this feature has not been defined and that numerous plots will straddle this feature.

Whilst we acknowledge that some commentary is provided regarding possible foundation solutions to address past opencast mining activity, based on the available information, it appears that the layout of development has in no way been informed by the presence of the buried opencast highwall and, we must therefore **OBJECT** to this reserved matters application.

The applicant should therefore be advised of our objection and requested to provide clarification as to how the design and layout of the development was informed by the presence of the buried opencast highwall and why built development over this feature cannot be avoided. Should it be demonstrated that avoidance is not possible, given that section 11 of the Phase II Site Appraisal advises that site investigation works to further assess the nature of the highwall were ongoing at the time of its production, confirmation should be provided that the approach set out in the report for addressing the identified settlement risk remains appropriate.

We would also welcome confirmation that the report author is satisfied that the number and arrangement of rotary boreholes undertaken provides sufficient information to be able to conclude that coal seams, and any associated unrecorded underground mine workings, are not present within influencing depth of the surface, both beneath the base of the opencast pit and beneath those parts of the site unaffected by past opencast mining activity.

We would be pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely

James Smith

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and Development Manager

Disclaimer

The above consultation response is provided by the Coal Authority as a statutory consultee and is based upon the latest available data and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based on the information provided to the Coal Authority by the Local Planning Authority and/or information that has been published on the Council's website for consultation purposed in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by the Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the applicant for consultation purposes.

In formulating this response the Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development the Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisors for this development in relation to ground conditions and the acceptability of development.